| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/573,928 | 03/30/2006 | Cristina Gomila | PU030162 | 5348 |

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| EXAMINER |
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| VO, TUNG T |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

*Response to Arguments*

1.     Applicant's arguments filed 02/17/2009 have been fully considered but they are not

persuasive.

The applicant argues that Gomila does not teach "predicting the at least one missing or

corrupted data for the identified macroblock by motion compensating data from both the first

previously transmitted picture and a second previously transmitted reference picture," "scaling

the determined co-located motion vector m accordance with a picture distance" "selecting results

of one of the temporal and spatial-direct modes derivation processes in accordance with at least

one a posteriori criterion," pages 6-7 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Gomila

teaches ISO/ITU H.264 decompression circuit (fig. 1) comprises motion compensation (16 of

fig. 1), based on the ISO/ITU H.264 decompression circuit (fig. 1), the motion compensation

inherently predicting the at least one missing or corrupted data for the identified macroblock by

motion compensating data from both the first previously transmitted picture and a second

previously transmitted reference picture ([0011], the reference frame and the corresponding

reference farme(s) previously), scaling the determined co-located motion vector (note Local

motion is inherently calculating motion of neighboring blocks based on the global motion in

accordance the ISO/ITU H.264 compression/decompression standard, [0026]) in accordance

with a picture distance (there is a distant between  the reference frame indices sent in the input

bit-stream and corresponding reference frames previously stored in the decoder buffer; [0026]);

selecting results of one of the temporal and spatial-direct modes derivation (the selection

between of motion compensation as temporal mode derivation (16 of fig. 1) and intra frame

prediction as spatial-direct mode derivation (24 of fig. 1) processes in accordance with at least

one a posteriori criterion (Decoder Control of fig. 1). In view of the discussion above, Gomila

clearly anticipated that claimed invention.

The applicant argues that Matsumura does not teach "predicting the at least one missing

or corrupted data for the identified macroblock by motion compensating data from both the first

previously transmitted picture and a second previously transmitted reference picture," and

"selecting results of one of the temporal and spatial-direct modes derivation processes in

accordance with at least one a posteriori criterion," pages 7 and 8 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Matsumura

teaches the well know decoder (fig. 6) having the picture predictor (203 of fig. 6) for performing

the predicting processes based on the motion vector calculator (207), wherein the motion

predictor is compensating data from both the first previously transmitted picture considered as a

reference frame Fr that has been already previously transmitted and a second previously

transmitted reference picture considered as a preceding frame that is transmitted previously after

the first previously transmitted picture (fig. 8, see also fig. 9), and selecting results of one of the

temporal and spatial-direct modes derivation processes (B2 and B5 of fig. 13, Intra and inter

accordance to MPEG-2 compression and decompression) in accordance with at least one a

posteriori criterion in modified with Tourapis (1306 of fig.13, figs. 14 and 15). In view of the

discussion above, the claimed features are unpatentable over Matsumura and Tourapis.

2.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tung Vo whose telephone number is 571-272-7340.  The

examiner can normally be reached on Monday-Friday.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Mehrdad Dastouri can be reached on 571-272-7418.  The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system.  Status information for published applications

may be obtained from either Private PAIR or Public PAIR.  Status information for unpublished

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung  Vo/
Primary Examiner, Art Unit 2621